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## Fax transmittal

To Commissioner for Patents

Date January 6, 2005

Company U.S. PTO

From Thomas A. Fairhall

Fax 1-703-305-8568

Direct 1-360-379-6514

Phone

Email fairhall@mbhb.com

Pages,  
with cover

3

C/M 670/058

Re Recission of Previous Nonpublication Request

S.N.: 10/812,635

Applicant: Brian T. Cunningham

300 South Wacker Drive 312 913 0001 phone  
Chicago, Illinois 60606-6709 312 913 0002 fax  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 04-051)

In re Application of: )  
Brian T. Cunningham ) Group Art Unit: 2874  
Serial No.: 10/812,635 )  
Filed: March 29, 2004 )  
For: Photonic Crystal Defect Cavity Biosensor ) Confirmation No. 3485


TRANSMITTAL LETTER

Mail Stop PG Pub  
Commissioner for Patents  
P.O Box 1450  
Alexandria, Virginia 22313-1450

In regard to the above identified application:

1. We are transmitting herewith the attached:
  1. Recission of Previous Nonpublication Request
2. With respect to additional fees:
  - A. ☒ No additional fee is required.
  - B. ☐ Attached is a check in the amount of \$0.
  - C. ☐ Charge the total additional fee to our Deposit Account No. 13-2490.
3. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2490. A duplicate copy of this sheet is enclosed.
4. **CERTIFICATE OF MAILING UNDER 37 CFR § 1.8:** The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, is being submitted by facsimile to Commissioner for Patents, facsimile no. 1-703-305-8568, on this 6 day of January 2005.

By:



Thomas A. Fairhall  
Reg. No. 34,591

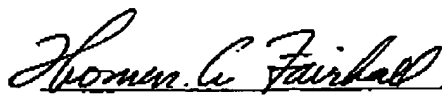

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<b>RESCISSION OF PREVIOUS NONPUBLICATION REQUEST</b> (35 U.S.C. 122(b)(2)(B)(ii)) AND, IF APPLICABLE, <b>NOTICE OF FOREIGN FILING</b> (35 U.S.C. 122(b)(2)(B)(iii))  Send completed form to: Mail Stop PG Pub Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 Fax: (703) 305-8568		Application Number	10/812635		
		Filing Date	March 29, 2004		
		First Named Inventor	Brian T. Cunningham		
		Title	Photonic Crystal Defect Cavity biosensor		
		Atty Docket Number	04-051		
		Group Art Unit	2874		
		Examiner	N/A		
<p>A request that the above-identified application not be published under 35 U.S.C. 122(b) (nonpublication request) was included with the above-identified application on filing pursuant to 35 U.S.C. 122(b)(2)(B)(i). I hereby rescind the previous nonpublication request.</p> <p>If a notice of foreign or international filing is or will be required by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c), I hereby provide such notice. This notice is being provided no later than forty-five (45) days after the date of such foreign or international filing.</p> <p>If a notice of subsequent foreign or international filing required by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c) was not filed within forty-five (45) days after the date of filing of the foreign or international application, the application is ABANDONED, and a petition to revive under 37 CFR 1.137(b) is required. See 37 CFR 1.137(f).</p>					
January 6, 2005 Date		 Signature			
360 379 6514 Telephone Number		Thomas A. Fairhall Typed or printed name			
This request must be signed in compliance with 37 CFR 1.133(b).					
<b>CERTIFICATE OF MAILING OR TRANSMISSION</b>  I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail, mailing label _____ in an envelope addressed to: Mail Stop PG Pub, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile ((703) 305-8568) transmitted to the U.S. Patent and Trademark Office on the date shown below.					
Name (Print/Type)	Thomas A. Fairhall				
Signature		Date	January 6, 2005		